

Jeremy R. Schulze, OSBA #160528
Betts, Patterson & Mines, P.S.
701 Pike Street, Suite 1400
Seattle, WA 98101-3927
Telephone: 206-292-9988
Facsimile: 206-343-7053

Attorneys for Defendant Preferred
Contractors Insurance Company

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

HOSPITALITY MANAGEMENT, INC., an
Oregon corporation,

Plaintiff,

vs.

PREFERRED CONTRACTORS
INSURANCE COMPANY, a Montana
corporation

Defendant.

NO. _____

NOTICE OF REMOVAL

(From The Circuit Court Of The State
Of Oregon For The County Of
Washington, Cause No. 18CV04648

TO: The Judges and Clerk of the United States District Court for the District of
Oregon, Portland Division;

AND TO: Plaintiff Hospitality Management, Inc.;

AND TO: Michael E. Farnell, Kristopher L. Kolta, and Parsons Farnell & Grein LLP,
plaintiff's attorneys.

Defendant Preferred Contractors Insurance Company ("PCIC") hereby gives notice that
this action is removed to the United States District Court for the District of Oregon, Portland
Division from the Circuit Court of the State of Oregon for the County of Washington. Pursuant
to 28 U.S.C. § 1441, PCIC further states as follows:

1. Pursuant to LCR 3-2(a)(1), this matter is being removed to the United States District Court for the District of Oregon, Portland Division because plaintiff's Complaint was filed in the Circuit Court of the State of Oregon for the County of Washington.

2. **State Court Action:** PCIC is a defendant in a civil action filed in the Circuit Court of the State of Oregon for the County of Washington titled *Hospitality Management, Inc. v. Preferred Contractors Insurance Company*, Cause No. 18CV04648 (the "State Court Action").

3. **Commencement of State Court Action:** The State Court Action was commenced when plaintiff's Summons and Complaint were filed with the clerk of Circuit Court of the State of Oregon for the County of Washington on or about February 7, 2018. Service of the Summons and Complaint was effected on PCIC on or about February 12, 2018. This Notice of Removal is timely in that it is being filed within thirty (30) days of service of the Complaint upon PCIC.

4. **Record in State Court:** The following pleadings constitute all of the process, pleadings and orders received by PCIC in this action up to the present time:

- Summons;
- Complaint (Breach of Contract);
- Proof of Service.

5. A true and correct copy of plaintiff's Complaint is attached hereto as Exhibit 1. True and correct copies of the above pleadings are attached to the Declaration of Jeremy R. Schulze Regarding Records and Proceedings in State Court as Exhibit A.

6. **Diversity of Citizenship is Basis for Federal Court Jurisdiction:** This dispute between plaintiff and PCIC is a controversy between citizens of different states.

7. Plaintiff is incorporated under the laws of the State of Oregon and at all times material hereto conducted business and maintained its principal places of business in Washington County, Oregon.

8. PCIC is, and at all material times has been, incorporated under the laws of Montana, with its principal place of business in Yellowstone County, Montana.

9. Complete diversity exists between plaintiff and PCIC.

10. **Nature and Description of Case:** The above-entitled action is a civil action for breach of contract.

11. **Amount in Controversy:** The amount in controversy is not expressly set forth in plaintiff's Complaint. However, PCIC believes, and therefore alleges, that the monetary value relief plaintiff seeks in this action exceeds \$75,000, for the following reasons:

- a. plaintiff seeks a judgment against PCIC for HMI's actual damages and prejudgment interest in a specified amount to be established at hearing or trial exceeding \$2,500,000 as a result of PCIC's breach of its contractual duty to indemnify;
- b. an award of plaintiff's reasonable attorney fees under ORS 742.061;
- c. an award of plaintiff's costs and disbursements; and
- d. an award of plaintiff's pre- and post-judgment interest.

Plaintiff's Complaint, p. 5, ll. 17-25.

12. Taking all these factors into consideration, PCIC reasonably believes plaintiff seeks damages and other recoveries counting toward the jurisdictional minimum, aggregating well in excess of \$75,000.

13. **Applicable Statutes:** This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C. § 1441(b).

14. **Concurrent Notice to State Court:** PCIC is concurrently filing a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Washington, pursuant to 28 U.S.C. § 1446(d).

DATED this 14th day of March, 2018.

BETTS, PATTERSON & MINES, P.S.

By /s/ Jeremy R. Schulze

Jeremy R. Schulze, OSB#160528

Betts, Patterson & Mines, P.S.

One Convention Place, Suite 1400

701 Pike Street

Seattle WA 98101-3927

Telephone: (206) 292-9988

Facsimile: (206) 343-7053

E-mail: jschulze@bpmlaw.com

Attorneys for Defendant Preferred Contractors
Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and the document is available for viewing and downloading from the CM/ECF system. I also certify that the foregoing document is being served electronically via the Court's CM/ECF notice system upon the following counsel of record:

Counsel for Plaintiff:

Michael E. Farnell
Kristopher L. Kolta
Parsons Farnell & Grein, LLP
1030 SW Morrison Street
Portland, OR 97205-2626

DATED this 14th day of March, 2018.

BETTS, PATTERSON & MINES P.S.

By /s/ Jeremy R. Schulze
Jeremy R. Schulze, OSB#160528
Betts, Patterson & Mines, P.S.
One Convention Place, Suite 1400
701 Pike Street
Seattle WA 98101-3927
Telephone: (206) 292-9988
Facsimile: (206) 343-7053
E-mail: jschulze@bpmlaw.com
Attorneys for Defendant Preferred
Contractors Insurance Company